



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
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**To:** Chair Miadich and Commissioners Baker, Gómez, Wilson, and Wood  
**From:** Dave Bainbridge, General Counsel  
Brian Lau, Assistant General Counsel  
**Subject:** Advice Letter Report  
**Date:** January 3, 2023

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The following advice letters have been issued since the November 28, 2022, Advice Letter Report. An advice letter included in this report may be noticed for further discussion or consideration at the January 19, 2023, Commission Meeting. Full copies of the FPPC Advice Letters, including those listed below, are available at [the advice search](#).

### *Conflict of Interest*

**Christopher J. Diaz**

[A-22-124](#)

Official with a residence located 879 feet from two parcels subject to an application for subdivision creating three parcels, eligible for single family home construction on two, and a street extension does not have prohibited financial interest in the decision under Regulation 18702.2(a)(8) where her residence is separated from the Project by other large residential parcels, with no connecting streets in the immediate area; not in proximity to the street extension area and its potential street traffic impacts; and not similarly eligible for potential subdivision and development.

**Monica I. De La Hoya**

[I-22-126](#)

Official with a residence located within a concentration of short-term vacation rental properties may participate in decisions to update a short-term vacation rental ordinance if the public generally exception is met. Generally, given that the decisions will similarly affect 67 percent of the residential parcels in the Official's district, the public generally exception applies so long as the decisions do not uniquely effect the Official's property.

### *Gifts*

**Rachel Van Mullem**

[I-22-108](#)

Reimbursements for travel and per diem costs associated with Official's duties as a board member of a nonprofit 501(c)(3) organization are generally not considered reportable income or gifts under Act.

***Section 1090*****Gary S. Winuk****[I-22-073](#)**

The Act generally prohibits an executive director from taking part in any decision if it is reasonably foreseeable that the decision will have a material financial effect on the employer of her spouse. In addition, under Section 1090, the executive director has a financial interest in any agreement between her agency and her spouse's employer, and she must abstain from any participation in such contracts.

**Larissa Seto****[A-22-119](#)**

Housing Commissioner does not have a disqualifying interest in an organization as an uncompensated officer of a nonprofit organization under either the Act or Section 1090. Accordingly, the Commission may consider and make recommendations to the City Council regarding grant funding to the organization and the Commissioner is not precluded from taking part in the decision so long as the fact that he is currently serving as a member of the board of directors for the organization is noted in the official record.

**Danielle Maland****[A-22-122](#)**

Section 1090 prohibits County from entering a second contract with an engineering firm to provide construction management services related to the same project when, under the terms of the firm's initial contract with the County, the firm had duties to engage in or advise on public contracting on the County's behalf and did so by creating construction contract documents, reviewing bids, and making recommendations regarding those bids.

**James R. Williams****[A-22-123](#)**

Under the Act and Section 1090, Deputy County Executive who serves as an uncompensated board member of a non-profit organization is not disqualified from taking part in contracts between the County and non-profit so long as the Executive's interest in the non-profit is noted in the County's records.

**Jena Shaof Acos****[A-22-133](#)**

Official does not have a disqualifying economic interest and is not prohibited from taking part in governmental decisions under the Act or Section 1090 where the Official's adult, financially independent child, works for a party contracting with the Official's agency.